

07-09-04

PTO/SB/30 (5/2000)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/941,992
Filing Date	August 28, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1646
Examiner Name	Kemmerer, Elizabeth
Attorney Docket Number	39780-2730P1C1

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Affidavit(s)/Declaration(s) (Declaration of Paul Polakis, Ph.D.)
- iii. ☒ Information Disclosure Statement (IDS) with cited references
- iv. ☐ Other

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## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

## 3. Fees

The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-2730P1C1)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) — (\$770.00)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) — (\$950.00)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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01 FC:1801 770.00 DA

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Daphne Reddy	Registration No. (Attorney/Agent)	53,507
Signature	Daphne Reddy	Date	July 7, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: July 7, 2004

Name (Print/Type)	Cheryl Rogers	Date:	July 7, 2004
Signature	Cheryl Rogers	Express Mail Label:	EL993 688 690 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-2730P1C1  
Serial No.: 09/941,992 Group Art Unit: 1646  
Filing Date: August 28, 2001 Examiner: Kemmerer, Elizabeth  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND  
NUCLEIC ACIDS ENCODING THE SAME**

**PRELIMINARY AMENDMENT**

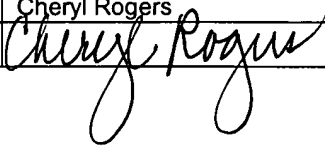
**MS: RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on January 21, 2004 in connection with the above-identified patent application, please enter the following amendments, and consider the following arguments. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of time for three months with required fees to maintain co-pendency of this application. Also attached herewith are a Declaration by Paul Polakis, Ph.D., and articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, and (iv) Hanna and Mornin.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

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